

**State of California  
California Regional Water Quality Control Board, Los Angeles Region**

**TENTATIVE RESOLUTION NO. 2002-XX  
September 26, 2002**

**Amendment to the Water Quality Control Plan (Basin Plan) for the Los Angeles Region to Incorporate a Wet-Weather Total Maximum Daily Load for Bacteria at Santa Monica Bay Beaches**

**WHEREAS, the California Regional Water Quality Control Board, Los Angeles Region, finds that:**

1. The federal Clean Water Act (CWA) requires the California Regional Water Quality Control Board, Los Angeles Region (Regional Board) to develop water quality standards which include beneficial use designations and criteria to protect beneficial uses for each water body found within its region.
2. The Regional Board carries out its CWA responsibilities through California's Porter-Cologne Water Quality Control Act and establishes water quality objectives designed to protect beneficial uses contained in the Water Quality Control Plan for the Los Angeles Region (Basin Plan).
3. Section 303(d) of the CWA requires states to identify and to prepare a list of water bodies that do not meet water quality standards and then to establish load and waste load allocations, or a total maximum daily load (TMDL), for each water body that will ensure attainment of water quality standards and then to incorporate those allocations into their water quality control plans.
4. Many of the beaches along Santa Monica Bay were listed on California's 1998 section 303(d) list, due to impairments for coliform or for beach closures associated with bacteria generally. The beaches appeared on the 303(d) list because the elevated bacteria and beach closures prevented full support of the beaches' designated use for water contact recreation (REC-1).
5. A consent decree between the U.S. Environmental Protection Agency (USEPA), Heal the Bay, Inc. and BayKeeper, Inc. was approved on March 22, 1999. This court order directs the USEPA to complete TMDLs for all the Los Angeles Region's impaired waters within 13 years. A schedule was established in the consent decree for the completion of 29 TMDLs within 7 years, including completion of a TMDL to reduce bacteria at Santa Monica Bay beaches by March 2002. The remaining TMDLs will be scheduled by Regional Board staff within the 13-year period.
6. The elements of a TMDL are described in 40 CFR 130.2 and 130.7 and section 303(d) of the CWA, as well as in USEPA guidance documents (e.g., USEPA, 1991). A TMDL is defined as "the sum of the individual waste load allocations for point sources and load allocations for nonpoint sources and natural background" (40 CFR 130.2). Regulations further stipulate that TMDLs must be set at "levels necessary to attain and maintain the applicable narrative and numeric water quality standards with seasonal variations and a margin of safety that takes into account any lack of knowledge concerning the relationship between effluent limitations and water quality" (40 CFR 130.7(c)(1)). The provisions in 40 CFR 130.7 also state that

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TMDLs shall take into account critical conditions for stream flow, loading and water quality parameters.

7. Upon establishment of TMDLs by the State or USEPA, the State is required to incorporate the TMDLs along with appropriate implementation measures into the State Water Quality Management Plan (40 CFR 130.6(c)(1), 130.7). The Basin Plan and applicable statewide plans serve as the State Water Quality Management Plans governing the watersheds under the jurisdiction of the Regional Board.
8. Santa Monica Bay is located in Los Angeles County, California. The proposed TMDL addresses documented bacteriological water quality impairments at 44 beaches from the Los Angeles/Ventura County line, to the northwest, to Outer Cabrillo Beach, just south of the Palos Verdes Peninsula.
9. The Regional Board's goal in establishing the above-mentioned TMDL is to reduce the risk of illness associated with swimming in marine waters contaminated with human sewage and other sources of bacteria. Local and national epidemiological studies compel the conclusion that there is a causal relationship between adverse health effects, such as gastroenteritis and upper respiratory illness, and recreational water quality, as measured by bacteria indicator densities.
10. Interested persons and the public have had reasonable opportunity to participate in review of the amendment to the Basin Plan. Efforts to solicit public review and comment include staff presentations to the Santa Monica Bay Restoration Project's Bay Watershed Council and Technical Advisory Committee between May 1999 and October 2001 and creation of a Steering Committee in July 1999 to provide input on scientific and technical components of the TMDL with participation by the Southern California Coastal Water Research Project, City of Los Angeles, County of Los Angeles Department of Public Works, County Sanitation Districts of Los Angeles County, Heal the Bay, and Santa Monica Bay Restoration Project. In addition, a first draft of the TMDL for bacteria at Santa Monica Bay beaches was released for public comment on November 9, 2001; an interim draft TMDL covering wet-weather only was released on June 21, 2002, for discussion at a public workshop; and a public workshop on the draft Wet-Weather TMDL was held on June 27, 2002 at a regularly scheduled Regional Board meeting. A final draft of the Wet-Weather TMDL along with a Notice of Hearing and Notice of Filing were published and circulated 45 days preceding Board action; Regional Board staff responded to oral and written comments received from the public; and the Regional Board held a public hearing on September 26, 2002 to consider adoption of the Wet-Weather TMDL.
11. On October 25, 2001, the Regional Board adopted Resolution 2001-018 establishing revised bacteriological water quality objectives for the Water Contact Recreation (REC-1) beneficial use, and the TMDL is intended to accompany and to implement the revised water quality objectives. The State Water Resources Control Board approved the Regional Board's Basin Plan amendment on July 18, 2002 in State Board Resolution 2002-0142. While the Regional Board has adopted the water quality objective change and State Board has approved it, the change is not yet effective because the Office of Administrative Law and the USEPA have not yet approved the amendment.
12. The amendment is consistent with the State Antidegradation Policy (State Board Resolution No. 68-16), in that the changes to water quality objectives (i) consider maximum benefits to the people of the state, (ii) will not unreasonably affect present and anticipated beneficial use

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of waters, and (iii) will not result in water quality less than that prescribed in policies. Likewise, the amendment is consistent with the federal Antidegradation Policy (40 CFR 131.12).

13. The basin planning process has been certified as functionally equivalent to the California Environmental Quality Act requirements for preparing environmental documents (Public Resources Code, Section 21000 et seq.) and as such, the required environmental documentation and CEQA environmental checklist have been prepared.
14. The proposed amendment results in no potential for adverse effect (de minimis finding), either individually or cumulatively, on wildlife.
15. The regulatory action meets the “Necessity” standard of the Administrative Procedures Act, Government Code, section 11353, subdivision (b).
16. The Basin Plan amendment incorporating a TMDL for bacteria at Santa Monica Bay beaches must be submitted for review and approval by the State Water Resources Control Board (State Board), the State Office of Administrative Law (OAL), and the USEPA. The Basin Plan amendment will become effective upon approval by OAL and USEPA. A Notice of Decision will be filed.

**THEREFORE, be it resolved that pursuant to Section 13240 and 13242 of the Water Code, the Regional Board hereby amends the Basin Plan as follows:**

1. Pursuant to sections 13240 and 13242 of the California Water Code, the Regional Board, after considering the entire record, including oral testimony at the hearing, hereby adopts the amendment to Chapter 7 the Water Quality Control Plan for the Los Angeles Region to incorporate the elements of the Santa Monica Bay Beaches Bacteria TMDL for wet weather as set forth in Attachment A hereto.
2. The Executive Officer is directed to forward copies of the Basin Plan amendment to the State Board in accordance with the requirements of section 13245 of the California Water Code.
3. The Regional Board requests that the State Board approve the Basin Plan amendment in accordance with the requirements of sections 13245 and 13246 of the California Water Code and forward it to OAL and the USEPA.
4. The Basin Plan amendment set forth in Attachment A shall only become effective if the water quality objectives revised by Regional Board Resolution 2001-018, or equivalent water quality objectives, have been approved by the OAL and USEPA, and are consistent with the TMDL.
5. If during its approval process the State Board or OAL determines that minor, non-substantive corrections to the language of the amendment are needed for clarity or consistency, the Executive Officer may make such changes, and shall inform the Board of any such changes.
6. The Executive Officer is authorized to sign a Certificate of Fee Exemption.

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I, Dennis A. Dickerson, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, Los Angeles Region, on September 26, 2002.

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Dennis A. Dickerson  
Executive Officer

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